

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT,
DIVISION THREE**

CASE NAME:

APPELLATE NO:

SUPER. CT. NO:

**SCIF
Confidential**

This information is for the CONFIDENTIAL use
of the Judicial Settlement Program only.

SETTLEMENT CONFERENCE INFORMATION FORM

PURPOSE: The court has established a Judicial Settlement Program to assist parties who attempt in good faith to resolve appellate disputes. The court uses this SCIF in determining whether to hold a settlement conference, and to assist the judicial settlement officer in preparing for a settlement conference. The parties will be notified **only** if a case is assigned for a settlement conference.

INSTRUCTIONS: Answer the following questions on any blank white or unbleached recycled 8½ x 11 inch paper, using the appellate caption and appellate case number. Use any conventional typeface. Include the Heading Number and Heading Title with your responses — you need not retype the questions. Sign and date your responses.

FILING: File an original and one copy with the Court. Service upon opposing counsel is optional for Questions #1-#28; do not serve Questions #29-#30 upon opposing counsel.

SUBMITTED BY: Please type **Attorney Name**, address, phone, fax number, e-mail address, **Client's Name** and client's position on appeal (*i.e., appellant, respondent, cross-appellant, etc.*)

SCIF – Part One

You may serve your responses to Questions #1 through #28 upon opposing counsel, but are not required to do so.

#1: COUNSEL INFO. Provide the name, address, telephone number, fax number, and e-mail address for the attorneys who will be handling the appeal on behalf of your client. Indicate the name of the contact attorney or attorneys for purposes of any settlement conference.

#2: CLIENT INFO. Provide names of your clients and their position on appeal (appellant, respondent, cross-appellant, etc.) Identify, by name, address and telephone number, the persons who have full settlement authority for your client (include insurance carriers and key representatives of public entities).

#3: RATIFICATION PROCESS. If you represent a corporate or institutional defendant, describe the process by which any settlement would be approved or ratified.

#4: OPPOSING PARTIES / COUNSEL. List the other parties to the appeal and their counsel of record.

#5: INTERESTED PERSONS. Are there any other persons (insurance carriers, related parties, spouse, indemnitee, lienholder) on *either* side whose presence would be necessary or useful at the settlement conference? If so, identify and explain.

#6: SUBJECT MATTER. What is the appeal about?

| | | |
|--|--|---|
| <input type="checkbox"/> Admiralty/Maritime | <input type="checkbox"/> Environmental | <input type="checkbox"/> Nonprofit |
| <input type="checkbox"/> Attorneys' Fees | <input type="checkbox"/> Family Law | <input type="checkbox"/> Personal Injury |
| <input type="checkbox"/> Banking | <input type="checkbox"/> Government | <input type="checkbox"/> Probate / Wills |
| <input type="checkbox"/> Business / Contract | <input type="checkbox"/> Healthcare | <input type="checkbox"/> Products Liability |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Housing | <input type="checkbox"/> Prof. Negligence |
| <input type="checkbox"/> Constitutional | <input type="checkbox"/> Immigration | <input type="checkbox"/> Public Utility |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Insurance | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Education | <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Securities |
| <input type="checkbox"/> Elder Law | <input type="checkbox"/> Labor Law | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Election Law | <input type="checkbox"/> Landlord / Tenant | <input type="checkbox"/> Slander / Libel |

☐ Eminent Domain ☐ Land Use ☐ Tax
☐ Employment ☐ Medical Malpractice ☐ Other

#7: TRIAL JUDGE. Who was the trial judge?

#8: THE JUDGMENT. What did the trial judgment result from?

☐ Jury Trial (Length?) ☐ Court Trial (Length?) ☐ Summary Judgment
☐ Demurrer ☐ Dismissal ☐ Nonsuit
☐ New Trial / JNOV ☐ Arbitration Award ☐ Admin. Mandamus

#9: JUDGMENT AMOUNT. If there is a money judgment, what is the amount, and the date it was entered?

#10: POST-JUDGMENT COSTS AND FEES. Describe any post-judgment costs and/or fees.

#11: STAYS. Is there a stay on appeal in effect? Explain (e.g., posting of bond, court-ordered stay, automatic stay, related bankruptcy case.)

#12: APPELLATE JURISDICTION. Are there any jurisdictional impediments to the appeal?

#13: RECORD. What is the status of the record on appeal? Have reporter's transcripts and/or clerk's transcripts been prepared? How many volumes? Has there been a rule 5.1 election to use an appendix rather than a clerk's transcript? If the record on appeal has not been filed, should record preparation be stayed pending a settlement conference?

#14: BRIEFING. Has this case been fully or partially briefed? If not, should there be a briefing schedule?

#15: CASE SYNOPSIS. Include a very brief statement of the critical facts of the case. Please make the factual description as short as possible — no more than a paragraph.

#16: APPELLANT'S ISSUES. Describe what are (or what you believe will be) the contentions in the instant appeal by appellants.

#17: RESPONDENT'S ISSUES. Provide a similar description for the contentions in the instant appeal by respondents.

#18: RELATED APPEALS. Are there now, or have there been, any related appeals, writs, or other proceedings before this court or any other reviewing court either now, or in the foreseeable future? If yes, identify the cases by title and court number, or provide a brief description:

#19: RELATED TRIAL COURT CASES. Are there any pending trial court cases (declaratory relief, insurance coverage, related cases) that may affect the settlement of this case? If so, identify the cases by title and court number.

#20: SETTLEMENT HISTORY. Provide a detailed settlement history of the case. What settlement demands or offers have been made, and when?

#21: RECENT DEVELOPMENTS. Has anything changed since most recent settlement offers or demands that may affect the settlement posture by any party?

#22: SETTLEMENT INCENTIVES. Describe the positive factors that may motivate the party you represent to settle, and that may motivate your opponent to enter into a settlement.

#23: SETTLEMENT IMPEDIMENTS. What are the impediments to a settlement, either for you or for the opposing party? (Include non-monetary factors as well.) Do you have any suggestions to alleviate them? Could an in-person settlement conference be a useful means towards achieving a consensual resolution of this appeal?

#25: ADDITIONAL INFORMATION. Is there any information you would like to provide to the judicial settlement officer (or to the other side) to explain or understand your position or interests, or to promote a settlement or mediated resolution of the case?

#27: AVAILABLE DATES. Indicate (up to three) settlement conference dates and times (morning or afternoon) within the next several months that are convenient to both you AND opposing counsel in the event the court decides to hold a settlement conference. *In the event a settlement conference is held*, the court will endeavor to accommodate the schedules of counsel and parties, particularly where both sides agree about available dates.

1ST AVAILABLE DATE: _____
2ND AVAILABLE DATE: _____
3RD AVAILABLE DATE: _____

(Please check one) **YES.** I have served opposing counsel with this SCIF.
 NO. I have not served opposing counsel with this SCIF.

REMEMBER TO SIGN AND DATE YOUR FORM.

Submitted by: _____
(Date) (Attorney Name)

PLEASE CONTINUE TO THE NEXT PAGE TO ANSWER QUESTIONS #29 AND #30

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT,
DIVISION THREE

CASE NAME:

APPELLATE NO:

SUPER. CT. NO:

SCIF – Part Two

Judicial Settlement Officer Only

Do not serve your responses to Questions #29 and #30 upon opposing counsel.

#29: CONFIDENTIAL INFORMATION. Is there any CONFIDENTIAL information to be provided to the judicial settlement officer that may affect the potential for settling this appeal? Use this section to include any confidential information or comments that you do not believe should be disclosed to the other side.

#30: CONFIDENTIAL SETTLEMENT OFFER / DEMAND. What are the terms of your current settlement demand or offer to settle either the instant appeal or all related appeals? Please be aware that the court may not schedule a settlement conference if the parties appear to be so entrenched in their positions as to make a negotiated resolution unlikely.

REMEMBER TO SIGN AND DATE THIS PAGE

#31. Submitted by: _____
(Date)

(Attorney Name)